

Town Of Dewey Beach  
Minutes of November 10, 2012 9:00 AM  
Monthly Town Commissioners Meeting

**A regular meeting of the Dewey Beach Town Council was held at 9:00 a.m. on Saturday, November 10, 2012 at the Dewey Beach Lifesaving Station.**

Mayor Hanson called the meeting to order and led the Pledge.  
Mayor Hanson asked for a Moment of Silence.

**Present: Mayor Diane Hanson, Commissioners Anna Legates, Gary Mauler, Joy Howell and Courtney Riordan, Town Attorney Fred Townsend and Acting Town Manager Marc Appelbaum**

**Announcements, Updates, and Reports:**

Todd Fritchman, Captain of the Dewey Beach Patrol gave 2012 the Summer Seasonal Annual Statistical Report. (Video Recording Mark 2:11)

Mayor Hanson recognized town employees, Kim Silva, Dewey Beach Police Dispatcher, Pfc. Kristen Evick, Dewey Beach Police Officer, and Alvin Huffman, Dewey Beach Maintenance Supervisor for outstanding work during Hurricane Sandy. (VRM 19:40)

Mayor Hanson thanked Richard Cleaveland, former town Webmaster, for coming back and doing the recording for the meeting.

Mayor Hanson stated that the Acting Town Manager's, Marc Appelbaum, contract had been extended for another 90 days. Commissioner Howell stated that she would like to suggest that any future contracts like this always come back to Council during a session prior to final execution.

Commissioner Mauler gave an update on the Comp Development Plan. He stated that more analysis would be done on what was proposed with consideration to the input that was coming in and after the holidays to continue the work the first of the year.

Harry Wilson stated that the ordinance given by the Planning Commission is what is currently on the table and needs to be introduced to the public.

There was a lengthy discussion on the topic.

Marc Appelbaum gave an update on the 911 addressing. He stated that there was information on the website to help answer questions and calls could be made to himself or Bill Mears, Building Official/ Code Enforcer for any additional questions or concerns.

Mayor Hanson introduced Jay Rooney and Kathy Cherico, nominees for the Public Safety Committee.

## **ADOPTION OF THE AGENDA**

Mayor Hanson stated that there were 2 recommended changes: Item #3, *Discuss and possibly vote to amend Resolution 139, Committee Guidelines* to be tabled and to move Item #8, *Discuss and possibly vote to extend 2012 business licenses through March 1, 2013 to allow time to further evaluate the situation*, up to #3.

**Commissioner Legates made the motion to approve the agenda with the recommended changes. Commissioner Mauler seconded.**

**The motion carried unanimously.**

## **APPROVAL OF MINUTES**

### **October 25, 2012 Meeting Minutes**

**Council decided to table the approval of the minutes until the December meeting.**

## **PUBLIC HEARING**

- **Hear comments from the public on an initiative to amend Chapter 10 of the Dewey Beach Code of Ordinances relating to Code of Conduct, specifically to create a Dewey Beach Board of Ethics that includes review and approval from the Delaware Public Integrity Commission.**

Mayor Hanson opened the Public Hearing (VRM 49:45). She stated that this is only an issue of if the town will have a Board of Ethics or will not have a Board of Ethics. She stated that it is not related to the Code of Conduct. She stated that the Code will be reviewed at a special workshop possibly in December.

Commissioner Legates stated that this has been in the public domain on and off for two years. (VRM 50:47) She stated that a lot of towns that she spoke with say they don't have a need for it.

Faith Duncan, Cullen St., (VRM 52:52) gave an update and explanation on the process.

There was a lengthy discussion on the topic.

Fred Townsend, Town Attorney, (VRM 1:01:27) stated that the Mayor's introductory comments were that we are not attempting to amend the Code today and that the intention was for the Council to make a decision if it wants to continue this process and ultimately the Council could reject the ordinance that is drafted. He stated that this action does not necessarily mean there is no commitment to pass it and to create a new board of ethics and adopt a new Code of Ethics.

Bill Zolper, Dickinson St., stated that the town should control itself and have its own board of Ethics.

Don Gritti, Saulsbury St, stated that he has been involved and has filed two PIC complaints in the past and the response to both complaints made him convinced that the PIC did not understand what can go on in Dewey Beach. He stated that he feels as though having a Board of Ethics that understands our town will be a great advantage.

Marcia Schieck, Carolina St, stated that she supported the town having its own Board of Ethics for reasons stated by Don Gritti and she has no confidence in the Public Integrity Commission.

Marie Hutton, Bellevue St, stated that she didn't feel the town should have a Board of Ethics for several reasons. She stated that one reason being she thought it would be impossible to find an impartial group at this time because there are so many people that are disagreeing with everything that goes on in the town. She stated that secondly it is a free service and the town can never go back and third there really are no consequences for elected officials if they are found guilty except possibly a fine. She stated that it should be the decision of the residents also through referendum and not solely the decision of the commissioner.

David Thomas, Read St, stated that Marie Hutton spoke much of his mind and that one of his concerns was when the town gets down to the training course just how doable will this be for Dewey Beach. He asked who would oversee the Board of Ethics if a complaint was filed against it or one of its members and if it would be the Public Integrity Commission.

Fred Townsend, stated that it would go to the Dewey Beach Board of Ethics and the person involved in the complaint would have to reclude themselves.

Susan Slye, Bayard Ave, stated that she fully supports the creation of a local Board of Ethics. She stated that she feels local government is the best government and anything that can be managed locally should be managed locally. She stated that she has no confidence in the Public Integrity Commission.

**Mayor Hanson closed the Public Hearing. (VRM 1:17:13)**

Commissioner Riordan stated that a local Board of Ethics is much more capable of giving an objective and independent decision in regards to the charges that have been made because they will understand the situation.

Commissioner Howell stated that she supports a local Board of Ethics because it will be more apparent if members of the Board have any conflict of interest.

Commissioner Mauler stated that according to the statements it sounds like a good idea. He stated that also Marie Hutton and Dave Thomas made some good points and when the

discussion gets into the Code in the future Council needs to be concerned about how to select an impartial body and how to make sure it is functioning. He stated that he is concerned that the right Code is put in place to have a checks and balance going forward and how to structure it.

Commissioner Legates stated that she believes every elected official should have a minimum of 3 hours of Ethics training required.

## **REGULAR AGENDA**

- 1. Discuss and possibly vote on an initiative to amend Chapter 10 of the Dewey Beach Code of Ordinances relating to Code of Conduct, specifically to create a Dewey Beach Board of Ethics that includes review and approval from the Delaware Public Integrity Commission:**

**Commissioner Howell made the motion to move forward with the process of amending Chapter 10 of the Dewey Beach Code of Ordinances relating to Code of Conduct specifically to create a Dewey Beach Board of Ethics that includes review and approval from the Delaware Public Integrity Commission.(VRM 1:26:58). Commissioner Mauler seconded.**

**The motion carried unanimously.**

- 2. Discuss and possibly vote to approve a contract for an engineering firm to oversee construction regarding the Ruddertowne project:**

Marc Appelbaum, Acting Town Manager, stated that an RFQ had been posted on the website and waiting for responses by the deadline.

- 3. Discuss and possibly vote to extend 2012 business licenses through March 1, 2013 to allow time to further evaluate the situation:**

Marc Appelbaum stated that he wanted to extend the business licenses through March 1, 2013 to give more time to evaluate possibly making a change to the fees.

Mayor Hanson stated that she agrees that more information is needed before making any changes to the licensing fees. She stated that at the next meeting she would like to see what the businesses have paid this year and how it is calculated to see what the impact would be if any changes are made.

Commissioner Howell stated that she would also like to see what additional categories of businesses Council may want to consider.

David King, Swedes St, stated that he is in support of this ordinance to move the due date. He stated that he would recommend that Council edit the changes to read March 1

with a penalty for nonpayment after 30 days with a \$500 fine plus 10% for nonpayment after the 30 days which would be March 31.

There was a lengthy discussion on the topic.

Marc Appelbaum recommended that the due date for business license fees to be paid be changed to March 21.

Commissioner Howell stated that line 21 of the proposed ordinance be changed to read “within 10 days of March 21” and line 31 to read “within 10 days from March 21”.

There was a lengthy discussion on the topic.

Fred Townsend, Town Attorney, stated that he recommended tabling the item until the meaning of “commencement of business operations” is clear.

**Council decided to table the item until the November 30th meeting.**

- 4. Discuss and possibly vote to appoint additional committee chairs and committee members for a one-year term and to approve each committee’s goals and objectives:**

Len Reed, Co-Chair Public Safety Committee, stated that he recommended adding Jay Rooney, Kathy Cherico and Judy Davis as members of the Public Safety Committee.

**Commissioner Legates moved that the Jay Rooney, Kathy Cherico and Judy Davis be approved as members of the Public Safety Committee. Commissioner Mauler seconded.**

**The motion carried unanimously.**

- 5. Discuss and possibly vote to appoint a new member to the Planning Commission to fill the uncompleted term of Gary Mauler:**

Mayor Hanson introduced Mike Paraskewich as the replacement for Commissioner Gary Mauler in the Planning Commission. (VRM 1:59:47) She stated that she recommended approving Mike Paraskewich as a member of the Planning Commission for a term to expire on February 13, 2013.

**Commissioner Legates made the motion to approve Mike P as a member of the planning Commission for a term to expire on February 13, 2013. Commissioner Howell seconded. (VRM 2:05:47)**

**The motion carried unanimously.**

**6. Discuss and possibly vote to appoint a new member to the Board of Adjustment to fill the uncompleted term of Courtney Riordan:**

Mayor Hanson stated that she recommended Kathy Cherico to be approved as a new member of the Board of Adjustment to fill the uncompleted term of Courtney Riordan.

**Commissioner Riordan made the motion to approve Kathy Cherico as a new member of the Board of Adjustment. Commissioner Mauler seconded. (VRM 2:10:56)**

**The motion carried unanimously.**

**7. Discuss with the Town Manager concerns of the Commissioners and the Budget and Finance Committee involving compliance and adherence to the collections of Beach Tax, Accommodations Tax, Business License fees etc.**

Commissioner Howell stated that she recommends immediate attention be given to the collection and audit process because of the current budget situation and come up with a plan with the Town Manager's recommendation.

There was a lengthy discussion on the topic.

Commissioner Mauler stated that he likes the idea of contracting someone to do the auditing as opposed to adding another employee. (VRM 2:23:56)

Marc Appelbaum stated that he wanted to make sure the policies were clear especially if an outside party the authority to go after the money that is unpaid. He stated that in each area there are unique issues that need to be dealt with and we need to have all of our ducks in a row before we start approaching it. He stated that in some cases ordinances will need to be changed and Council would have to be consulted about how aggressive we want to be.

Commissioner Howell stated that she would like to see some significant changes in this area by the end of the year.

There was a lengthy discussion on the topic.

Chief Mackert (VRM 2:33:16) stated that there had been problems with the new Duncan parking system that was put into place. He stated that he would recommend sending out a second letter for the nonpayment of parking tickets and then send it to collections. He stated that he recommended going back to the previous vendor around the first of February where the town gets to keep 100% of the money for collections.

**8. Introduce and discuss a Capital Improvement Plan recommended by the Infrastructure Committee:**

Don Gritti, Infrastructure Committee, introduced a Capital Improvement Plan for the Council to consider. (VRM 2:52:56)

Commissioner Legates stated that grants would be needed for the Plan.

Mayor Hanson stated that she recommended having a discussion on this topic at the next meeting in December.

## **REPORTS**

- **Police:** Chief Mackert gave information from the Public Safety Comprehensive Report from last month and an update on the parking situation earlier in the meeting.
- **Finance:** No Report
- **Town Manager:** No Report

## **PUBLIC COMMENTS**

Marcia Schieck, Carolina St, (VRM 2:58:08) stated that she would like an update on the performance bond in regards to the Ruddertowne Project that was mentioned at the last town meeting. She stated that she wanted a letter that was submitted to the town, from her and Joan Claybrook, put into the record about their concerns of the extreme risk exposure the town is under by not having the bond in place.

There was a lengthy discussion on the topic.

Marc Appelbaum stated that his recommendation was for Commissioner Howell, Legal Point Person, to contact the attorney on Monday to discuss the performance bond issue and get direction. (VRM 3:08:51)

Don Gritti, Infrastructure Committee, asked if anything had been done to acquire a set of construction documents for Ruddertowne.

Marc Appelbaum stated that the town has a drawing of the shell of the proposed structure.

Dave Thomas, Read St, asked if the letter submitted by Marcia Schieck and Joan Claybrook is public record.

## **COMMISSIONERS COMMENTS**

**Commissioner Howell:** She stated that she wanted to thank former commissioner Marty Seitz for all his work on the 911 Addressing.

**Commissioner Riordan:** No Comment

**Mayor Hanson:** No Comment

**Commissioner Mauler:** He stated to Dave Thomas that the contents of Marcia Schieck's letter were information that had been discussed previously.

**Commissioner Legates:** She stated that she wanted to thank Chief Mackert for keeping everyone updated through email during the storm.

**Commissioner Legates made the motion to adjourn the meeting. Commissioner Riordan seconded.**

**The motion carried unanimously.**

**Meeting Adjourned-----**

\* These minutes are supplemented by an audio-video record of the meeting which will be maintained by Town Hall for reference and can be viewed/heard on the town website. The audio-video records will be purged from time to time.

Respectfully Submitted,

Marc Appelbaum  
Acting Town Manager

Approved: December 8, 2012